

REMARKS

Presently claims 1-65 are pending in this application. Claims 86-126 have been withdrawn from consideration. Claims 1 and 61 have been amended. Support for these amendments may be found, for example, on page 26-27 of the specification. Claims 66-85 have been canceled. Accordingly, no new matter has been added to the present application by the foregoing amendments.

Claim Rejection – § 102(e)

The Examiner has rejected claims 1, 3-10, 12-14, 17, 22-25, 27-30, 35-41, 43-45, 55, 59-66, 68-71, 73-83 and 85 under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent Application Publication No. 2003/0093792 to Labeeb *et al.* (“Labeeb”). The Examiner contends that Labeeb teaches each and every element of the rejected claims. Applicants respectfully traverse this rejection.

Labeeb teaches a method and apparatus for the delivery of television programs and targeted advertising. Labeeb teaches analyzing a viewer behavioral database to identify traits of television programs and how the identified traits influence viewing habits in the representative sample of users. Labeeb discloses calculating the liking for a specific trait, based on the liking of a program. Labeeb suggests that if a user watches a specific program, then they are likely to have a specific trait. Labeeb may employ regression analysis to determine the liking for a specific trait, meaning that Labeeb may continually analyze the liking for a specific trait based on the watching of specific programs.

For a rejection under § 102(e) to be proper, a reference must disclose, either explicitly or inherently, each and every element of the claimed invention. Applicants respectfully submit that Labeeb does not teach each and every element recited in independent claim 1.

Independent claim 1 recites:

A method for profiling a plurality of identities of a television viewing audience based on the interactivity of the identities with a television, the method comprising:

monitoring user interactions with the television;

filtering the user interactions into at least one interaction category;

processing the user interactions in each of the at least one interaction categories in order to create at least one category profile for each associated interaction category, wherein each of the at least one category profiles identifies attributes about the user for that category of interaction; and

generating an interaction profile by combining all of the category profiles.

In summary, there are many distinctions between, Labeeb and independent claim 1. Generally, Labeeb teaches analyzing a viewer behavioral database to create traits for TV programs. Depending on what TV program a viewer watches, certain traits are assigned to that viewer. Through regression analysis, these traits are updated and refined. In contrast, independent claim 1 recites filtering user interactions into interaction categories, not determining TV program traits. Claim 1 further recites processing the interactions in each category to create category profiles that define attributes for that category of interaction. Labeeb does not create category profiles; instead Labeeb calculates a numerical value representing the liking of a user for a particular trait based on the user watching a particular program.

Labeeb does not disclose “filtering the user interactions into at least one interaction category,” as recited in independent claim 1. The Examiner argues that Fig. 4 and paragraphs [0076] and [0087] of Labeeb teach this aspect of claim 1. Fig. 4 shows “Examples for Traits” and “Examples for Liking for Viewer N.” Thus, Labeeb discloses determining traits and likings for them, not filtering the user interactions into at least one interaction category. Moreover, the traits taught by Labeeb are not interaction categories as recited in independent claim 1. Labeeb discloses that examples of traits are “movies,” “adventure,” “sports,” etc. (see Labeeb, Fig. 4). These traits clearly describe types of

programs, not types of user interactions used to define interaction categories. Further, Labeeb discloses that traits of TV programs are identified, not that types of user interactions are filtered, (see Labeeb, paragraph [0076]).

Even if the program traits in Labeeb could be considered interaction categories, Labeeb does not disclose “filtering the user interactions into at least one interaction category,” because Labeeb does not disclose filtering the user interactions. Labeeb determines the liking for a particular trait based on the liking for a particular program. The liking for a particular program is not the same as the “user interactions.” Moreover, Labeeb does not disclose filtering anything into a category, only analyzing a liking for a particular program; no interactions are filtered into a category. Therefore, Labeeb does not teach filtering the user interactions themselves and instead teaches evaluating a liking function based on the liking for a particular program.

The Examiner cites paragraph [0076] to teach that user interactions are filtered. However, this paragraph of Labeeb describes that the “Viewer behavioral database is analyzed 118 to identify traits of TV programs and determine how such identified traits influence viewing habits in the representative sample of users.” The analyzing and determining to identify traits of TV programs described in Labeeb is not “filtering the user interactions into at least one interaction category.” Labeeb does not teach how the analyzing of the viewer behavioral database is a type of filtering nor how it filters data into the proper category. Neither using these determinations to predict a viewer’s choice in TV programs nor the rest of paragraph [0076] discloses “filtering the user interactions.”

Furthermore, paragraph [0087] of Labeeb describes how the user liking for a specific trait can be refined by regression analysis. No filtering process is described in this paragraph. In fact, Labeeb does not describe filtering user interactions into interaction categories at all. Labeeb simply describes that the “liking for a specific trait” may be determined based on the “liking for program p” based on the equation taught by Labeeb.

Additionally, even if Labeeb could be considered to teach “filtering the user interactions into at least one interaction category,” Labeeb still does not teach “processing the user interactions in each of the at least one interaction categories in order to create at least one category profile for each associated interaction category, wherein each of the at least one category profiles identifies attributes about the user for that category of interaction,” as recited in independent claim 1. Even if, as the Examiner argues, the program traits could be considered interaction categories, they do not contain user interactions. That is, traits are simply descriptors of programs (“the trait-ness of a trait in a program,” see Labeeb, paragraph [0076]). Clearly, because no user interactions are filtered into interaction categories, there are no user interactions to process therein. Stated differently, since there are no user interactions stored in the traits created by Labeeb, they cannot then be processed in order to create category profiles. Furthermore, the Examiner seems to argue that a trait is both an interaction category and a category profile; it cannot simultaneously be both.

Even if the “trait-ness” in Labeeb could be considered to be a category profile, it still does not identify “attributes about the user for that category of interaction.” The “trait-ness” is not specific to a user or category of interaction; instead trait-ness describes programs, for instance “trait-ness of a comedy in Seinfeld may be 1.2...” (see Labeeb, paragraph [0076]).

Additionally, in Labeeb, no category profiles are created. Thus, they cannot be combined to form an interaction profile. If the Examiner considers traits to be interaction categories, then there is no teaching of category profiles, nor are they combined to form an interaction profile. If traits are not interaction categories, then (in addition to other reasons) Labeeb does not disclose filtering the user interaction into interaction categories.

Labeeb fails to disclose all aspects of claim 1 because Labeeb fails to disclose “filtering the user interactions into at least one interaction category,” and “processing the user interactions in each of the at least one interaction categories in order to create at least one category profile for each associated interaction category, wherein each of the at least one category profiles identifies attributes about the user for that category of interaction.”

Independent claim 61 similarly recites these aspects of claim 1. Accordingly, independent claims 1 and 61 are believed to be allowable over the Labeeb.

Dependent claims 1, 3-10, 12-14, 17, 22-25, 27-30, 35-41, 43-45, 55, 59-65 are allowable at least by their dependency on independent claim 1 and 61, respectfully. Claims 66, 68-71, 73-83, and 85 have been canceled. Reconsideration and withdrawal of the Examiner's rejection of claims 1, 3-10, 12-14, 17, 22-25, 27-30, 35-41, 43-45, 55, 59-66, 68-71, 73-83 and 85 is respectfully requested.

Claim Rejection – § 103

The Examiner has rejected claims 2 and 67 as being unpatentable over Labeeb in view of U.S. Patent No. 6,177,931 to Alexander *et al.* ("Alexander"). Applicants submit that Alexander does not teach or suggest the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Alexander is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 2 is believed to be allowable at least by its dependency on independent claim 1. Claim 67 has been canceled. Reconsideration and withdrawal of the Examiner's rejection of claims 2 and 67 is respectfully requested.

The Examiner has rejected claim 15 as being unpatentable over Labeeb in view of U.S. Patent No. 5,841,433 to Chaney *et al.* ("Chaney"). Applicants submit that Chaney does not teach or suggest the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Chaney is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 15 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 15 is respectfully requested.

The Examiner has rejected claim 26 as being unpatentable over Labeeb in view of U.S. Patent No. 5,801,747 to Bedard *et al.* ("Bedard") and U.S. Patent No. 6,317,881 Shah-Nazaroff *et al.* ("Shah-Nazaroff"). Applicants submit that neither Bedard nor Shah-Nazaroff teaches or suggests the aspects of claim 1 not taught by Labeeb. Therefore,

even if the combination of Labeeb, Bedard, and Shah-Nazaroff is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 26 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 26 is respectfully requested.

The Examiner has rejected claim 31-32 as being unpatentable over Labeeb in view of U.S. Patent No. 6,049,695 to Cottam *et al.* ("Cottam"). Applicants submit that Cottam does not teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Cottam is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claims 31-32 are believed to be allowable at least by their dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claims 31-32 is respectfully requested.

The Examiner has rejected claim 33 as being unpatentable over Labeeb in view of U.S. Patent No. 5,872,588 to Aras *et al.* ("Aras"). Applicants submit that Aras does not teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Aras is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 33 is allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 33 is respectfully requested.

The Examiner has rejected claim 34 as being unpatentable over Labeeb in view of Aras and in further view of Alexander. Applicants submit that neither Aras nor Alexander teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb, Aras, and Alexander is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 34 is allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 34 is respectfully requested.

The Examiner has rejected claim 16 as being unpatentable over Labeeb in view of Chaney and in further view of U.S. Patent No. 4,930,011 to Kiewit *et al.* ("Kiewit"). Applicants submit that neither Chaney nor Kiewit teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb, Chaney, and Kiewit is proper,

such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 16 is believed to be allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 16 is respectfully requested.

The Examiner has rejected claim 42 as being unpatentable over Labeeb further view of Kiewit. Applicants submit that Kiewit does not teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Kiewit is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claim 42 is believed allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claim 42 is respectfully requested.

The Examiner has rejected claims 11 and 46-58 as being unpatentable over Labeeb further view of U.S. Patent No. 6,698,020 to Zigmond *et al.* ("Zigmond"). Applicants submit that Zigmond does not teach the aspects of claim 1 not taught by Labeeb. Therefore, even if the combination of Labeeb and Zigmond is proper, such combination still does not teach every aspect of independent claim 1. Thus, dependent claims 11 and 46-58 are believed to be allowable at least by their dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's rejection of claims 11 and 46-58 is respectfully requested.

The Examiner has rejected claims 72, over Labeeb in view of Alexander, and 84, over Labeeb in further view of Cottam and in further view of Alexander. Claims 72 and 84 have been cancelled. Therefore, the Examiner's rejection is moot. Reconsideration and withdrawal of the Examiner's rejection of claims 72 and 84 is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-65, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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